

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAEKWON MARQUIS TAISHAWN)	
BRINKLEY,)	
)	
Petitioner,)	
)	1:22-cv-706
v.)	1:21-cr-254-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On October 26, 2022, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 34, 35.) No objections were filed within the time limits prescribed by Section 636.

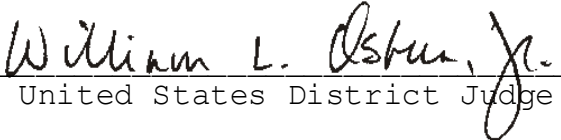
Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 34), is **ADOPTED. IT IS FURTHER ORDERED** that Petitioner's filing treated as a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. 33) is **DENIED**, and that this action be filed and, is hereby, **DIMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms. The court further finds there

is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 31st day of March, 2023.


United States District Judge